

### REMARKS

Claims 1-20 were pending in the above-identified application.

In the FINAL office action of July 11, 2003, claims 2-5 and 7-9 were rejected and claims 1-6 were objected. Claims 10-20 have been allowed.

In response, claims 1 and 2 have been amended. Claim 6 has been canceled and incorporated into claim 2. No new matter has been added.

A. Specification Objection:

The Examiner objected to the specification under 35 U.S.C. §132 because it introduces new matter into the disclosure. Applicant respectfully traverses this rejection.

The paragraphs in questions are as follows:

The alloy material means a compound represented by the chemical formula  $M_xM'_yLi_z$ , where  $M'$  is one or more element other than the element Li and the element M,  $x$  is a number not less than 0 and  $y, z$  denote a value not less than 0. The metal elements encompass semiconductor elements, such as B, Si or As. Specified examples of the alloy material include metals Mg, B, Al, Ga, In, Si, Sn, Pb, Sb, Bi, Cd, Ag, Zn, Hf, Zr and Y, alloy compounds thereof, Li-Al, Li-Al-M, where M is one or more selected from the group consisting of 2A, 3A, 3B, 4A, and 4B, and 5B group transition metal elements, AlSb and CuMgSb.

As elements that can be alloyed with lithium, typical elements of the group 4A 3B, preferably Si or Sn, more preferably Si, are used. Specified examples include compounds represented by  $M_xSi$  and  $M_xMn$ , where M denotes one or more metal element excluding Si and Sn, specifically,  $SiB_4$ ,  $SiB_6$ ,  $Mg_2Si$ ,  $Mg_2Sn$ ,  $Ni_2Si$ ,  $TiSi_2$ ,  $MoSi_2$ ,  $CoSi_2$ ,  $NiSi_2$ ,  $CaSi_2$ ,  $CrSi_2$ ,  $Cu_3Si$ ,  $FeSi_2$ ,  $MnSi_2$ ,  $NbSi_2$ ,  $TaSi_2$ ,  $VS_i_2$ ,  $WS_i_2$  and  $ZnSi_2$ .

The Examiner asserts that the disclosure of "3A, 4A and 5B" are of new matter. However, based from a periodic table, 3A elements include B, Al, Ga, and In; 4A elements include C, Si, Sn and Pb; and 5B elements includes V. Elements B, Al, Ga, In, C, Si, Sn, Pb and V are disclosed in the preceding paragraphs and are also disclosed throughout the specifications (See page 4, 8 and 11). Thus, no new matter has been introduced by adding "3A, 4A and 5B" to the specification. Applicants respectfully submit that this objection has been overcome and request that it be withdrawn.

B. Claims Objection:

Claims 1-9 have been objected due to informalities. In response, claims 1 and 2 have been amended according to Examiner's instructions. Notably, the subject matter of claim 6 has been incorporated into amended claim 2. Applicant submits that this objection has been overcome and request that it be withdrawn.

C. §102 Rejection:

Claims 2-5, 7-9 were rejected under 35 U.S.C. §102(e) as being anticipated by Biensan et al. Applicants respectfully traverse this rejection.

Claim 2 recites a non-aqueous electrolyte secondary cell comprising: (a) a positive electrode; (b) a negative electrode; wherein said positive electrode is coated with a positive electrode mixture containing the positive electrode active material on both surfaces of a metal foil; and said negative electrode is coated with a negative electrode mixture containing the negative electrode active material on both surfaces of a metal foil and said negative electrode is stacked and spirally wound by interposing a separator in-between, and; (c) a non-aqueous electrolyte interposed between the positive and negative electrodes, the positive electrode having a positive electrode active material containing a lithium transition metal composite oxide represented by the general formula  $\text{LiCo}_x\text{A}_y\text{B}_z\text{O}_2$  where A denotes at least one element selected

from the group consisting of Al, Cr, V, Mn and Fe, and B denotes at least one element selected from the group consisting of Mg and Ca, and x, y and z are such that  $0.9 \leq x < 1$ , and  $0.001 \leq y \leq 0.05$ , and  $0.001 \leq z \leq 0.05$ ; and the non aqueous electrolyte comprises a lithium salt dissolved in the electrolyte.

In contrast, while Biensan et al. discloses an electrode with similar composition, it does not disclose a negative and a positive electrode is coated with a positive electrode mixture containing the positive electrode active material on both surfaces of a metal foil; and said negative electrode is coated with a negative electrode mixture containing the negative electrode active material on both surfaces of a metal foil and said negative electrode is stacked and spirally wound by interposing a separator in-between.

The positive and negative electrodes, as recited in claim 2, are stacked with each other and spirally wound to complete a coiled electrode unit which is used in the core of the battery. Biensan et al. neither disclose nor suggest a negative and a positive electrode is coated with a positive electrode mixture containing the positive electrode active material on both surfaces of a metal foil; and said negative electrode is coated with a negative electrode mixture containing the negative electrode active material on both surfaces of a metal foil and said negative electrode is stacked and spirally wound by interposing a separator in-between.

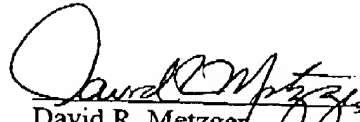
Accordingly, Applicants' invention is not anticipated by Biensan et al. Applicants respectfully submit this rejection has been overcome and request that it be withdrawn.

Claims 3-5 and 7-9 all depend directly or indirectly from claim 2 and are therefore allowable for at least the same reason that claim 2 is allowable.

In view of the foregoing, it is submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL, LLP

 (Reg. No. 32,919)  
David R. Metzger  
SONNENSCHN NATH & ROSENTHAL LLP  
CUSTOMER ACCT. NO. 26263  
P.O. Box 061080 - Wacker Drive Station  
Chicago, Illinois 60606  
Telephone (312) 876-2578  
Attorneys for Applicant

SONNENSCHN NATH & ROSENTHAL, LLP  
P.O. Box #061080  
Wacker Drive Station-Sears Tower  
Chicago, Illinois 60606-1080  
(312)876-2578

I hereby certify that this document, and any being referred to as attached or enclosed, is being faxed to Laura S. Weiner, Primary Examiner, Art Unit 1745 at 703-872-9311 (Response w/FEE), at the Office of Commissioner for Patents in Alexandria, VA 22313-1450, on

Signature

Date

11645874v2